

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004229-1



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

#11/RCE
RECEIVED
MAR 22 2004 4/22/4
OFFICE OF PETITIONS

Inventor(s): Schneider, et al.

Serial No.: 09/680,726

Examiner: Jose R. Diaz

Filing Date: 10/5/2000

Group Art Unit: 2571

Title: A VCSEL Device With Improved Modal Properties

COMMISSIONER FOR PATENT
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Sir:

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified applicaiton.

NOTE: 37 CFR 1.114 is effective on May 20, 2000. If the above- application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

Submission under 37 CFR 1.114

(X) Previously submitted:

- () Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____.
(Any unentered amendment(s) referred to above will be entered).
- () Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- (X) Other Response filed on 30 Jan. 2004 w/ Petition under 37 CFR 1.137(b)

() Enclosed:

- () Amendment/Reply
- () Affidavit(s)/Declarations(s)
- () Information Disclosure Statement (IDS)
- () Other _____

Miscellaneous

- () Suspension of action is requested under 37 CFR 1.103(c) for a period of _____ months.
The fee for this Suspension is (37 CFR 1.17(i)) \$130.00
- () Other _____

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CONTINUED EXAMINATION TRANSMITTAL
(RCE) (37 CFR 1.114) (continued)

ATTORNEY DOCKET NO. 10004229-1

(X) RCE filing fee \$770.00

- () A Petition for Extension of Time
- | | |
|------------------|-----------|
| () one month | \$110.00 |
| () two months | \$420.00 |
| () three months | \$950.00 |
| () four months | \$1480.00 |

Please charge to Deposit Account 50-1078 the sum of \$770.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

(X) A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Schneider, et al.

By Pamela Lau Kee

Pamela Lau Kee

Attorney/Agent for Applicant(s)

Reg. No. **36,184**

Date: 15 March 2004

Telephone No.: **(408) 553-3059**

- (X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 15 March 2004

- () I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: **Ann Marie Radcliffe**

Signature: Ann Marie Radcliffe